

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DONELLE MURPHY,

Petitioner,

-against-

ATTICA CORRECTIONAL FACILITY,

Respondent. :  
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<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: 8/31/2020
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20-CV-4673 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

On June 16, 2020, I received a § 2254 petition from Petitioner, as well as a letter from him in which he requested the appointment of counsel and that his habeas corpus action be held in abeyance. (Docs. 1, 2.) He had also paid the \$5.00 filing fee. In response to the filing of those submissions, the Clerk of Court opened this civil action. On June 23, 2020, I issued an order directing the Clerk of Court to re-file those submissions in *Murphy v. Warden of Attica Correctional Facility*, 1:20-CV-3076, (S.D.N.Y. May 15, 2020), because it was clear that those submissions should have been filed in that case. (Doc. 5.) This civil action was terminated on June 23, 2020.

In my June 23, 2020 Order, I stated that a certificate of appealability will not issue because “the petition makes no substantial showing of a denial of a constitutional right.” (*Id.*) Pro se plaintiff has misconstrued that statement as a denial of his petition, and on July 17, 2020, filed a letter asking for additional relief. (Doc. 6.) Pro se Plaintiff’s requests should be directed to Judge Paul A. Engelmayer, who presides over the proper case, 20-cv-3076. Accordingly,

Pro se Plaintiff is directed to file any further documents in case number 20-cv-3076 not case number 20-cv-4673.

The Clerk's Office is respectfully directed to send a copy of this Order to the pro se plaintiff.

SO ORDERED.

Dated: August 31, 2020  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, stylized "V" that loops around the first few letters of the last name. The last name "Broderick" is written in a similar cursive style. The signature is positioned above a horizontal line.

Vernon S. Broderick  
United States District Judge